

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

ENERGY WEST, INC.,	)	CASE NO.: 1:09 CV 00591
	)	
Plaintiff,	)	
	)	JUDGE CHRISTOPHER A. BOYKO
v.	)	
	)	<b><u>JOINT MOTION FOR STAY OF</u></b>
UNITED STATES POWER FUND, L.P.,	)	<b><u>LITIGATION</u></b>
	)	
Defendant.	)	

Plaintiff Energy West, Inc. and Defendant United States Power Fund, L.P. jointly move this Court for a stay of this action for 90 days while the parties attempt to reach a negotiated business resolution.

On October 12, 2010, the parties participated in a mediation attempting to resolve the present dispute. During the mediation, it became apparent that a potential solution to the litigation is a new, negotiated business deal that would moot the disputed issues in the current action. Because any potential business deal will require additional due diligence and contractual negotiations, a stay of the litigation for 90 days will allow the parties time to attempt to reach a negotiated resolution to this litigation without the Court's further involvement. Based on the circumstances present, the parties respectfully request that the Court stay all litigation in this matter for a period of 90 days.

If the parties are unable to reach a business resolution, the parties request that the Court refer this matter back to Mediator Ronald Isroff to allow the parties to complete the mediation.

A proposed order is attached for the Court's convenience.

Respectfully submitted,

/s/ John Winship Read

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was sent via the Court's electronic filing system to all parties of record with the Court on the date of filing. Notice of this filing will be served to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ John Winship Read  
One of the Attorneys for Defendant  
United States Power Fund, L.P.

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ENERGY WEST, INC.,	)	CASE NO.: 1:09 CV 00591
	)	
Plaintiff,	)	
	)	JUDGE CHRISTOPHER A. BOYKO
v.	)	
	)	<b><u>ORDER</u></b>
UNITED STATES POWER FUND, L.P.,	)	
	)	
Defendants,	)	

Pursuant to the parties Joint Motion for Stay of the Litigation, and for good cause shown, the Court GRANTS the parties' Motion. All litigation in this matter is stayed for a period of 90 days, through and including January 17, 2011. If the parties have not been able to resolve their dispute through direct negotiations upon the expiration of the 90 day stay, this matter shall be returned to the ADR administrator for referral to Mediator Ronald Isroff of Ulmer & Berne who shall try to mediate a settlement within the ensuing 30 days.

IT IS SO ORDERED.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge Christopher A. Boyko